

Attachment C
Landscape and Exterior Design / Heat Island Reduction /
Exterior Light Pollution Reduction

Landscape and Exterior Design / Heat Island Reduction

A. Shade

- 1. One of the following must be incorporated into site design: (i) provide shade (within 15 years) on at least 30 % of non-roof impervious surfaces, including parking lots, walkways, plazas, etc. using trees or trellises with vines or (ii) use light colored / high albedo materials (with a reflectance of at least 0.3) for 30 % of the Parcels' non-roof impervious surfaces.**

a. Mandatory

- b. Documentation Requirement: Depending on the option(s) chosen, provide (i) drawings showing 15-year shading plan with non-roof impervious surface calculations, (ii) specifications for high-albedo materials used and non-roof impervious surface calculations, (iii) parking plan with count of surface vs. underground spaces, or (iv) drawings showing areas of pervious pavement.**

- 2. When considering placement of pedestrian and bicycle pathways onsite, consider locating such pathways in existing shaded areas, and creating additional areas of shade, employing native trees and trellises with vines, buildings, canopies, and / or any other permissible shade provider.**

a. Optional

- b. Documentation requirement: Provide site plan and / or other drawings showing pedestrian and bicycle pathways and showing shade areas, with calculations.**

B. Heat Island Reduction

- 1. In order to achieve a reduction in the effect of urban heat island, one of the following must be used: (i) ENERGY STAR Roof-compliant, high reflectance and high emissivity roofing (with initial reflectance of at least 0.65 and 3-year aged reflectance of at least 0.5 when tested in accordance with ASTM E903 and emissivity of at least 0.9 when tested in accordance with ASTM 408) for at least 75 % of the roof surface, or (ii) install a vegetated roof for at least 50 % of the roof area.**

a. Optional

ATTACHMENT C

- b. Documentation Requirement: Provide (i) specifications of materials and roof area calculations, or (ii) plans and roof area calculations.
 2. Conduct a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces.
 - a. Mandatory
 - b. Documentation Requirement: Provide a cost / benefit analysis for the anticipated life of the facility comparing construction and maintenance costs for concrete versus asphalt paving surfaces.
- C. Exterior Light Pollution Reduction
1. In order to improve night sky access and reduce development impact on the nocturnal environment, the Illuminating Engineering Society of North America (IESNA) footcandle level requirement as stated in IESNA's "Recommended Practice Manual: Lighting for Exterior Environments" cannot be exceeded. Interior and exterior lighting must be designed such that no direct-beam illumination leaves the building site.
 - a. Mandatory
 - b. Documentation Requirement: Provide exterior lighting design plan highlighting footcandle contours and demonstrating compliance with IESNA requirements. Provide design narrative showing that no direct-beam illumination leaves the site.
 2. Develop an exterior lighting plan for all development that sets maximum lighting levels for commercial areas at three footcandles, average maintained, measured horizontally at finished ground level with a 4:1 illumination ratio.
 - a. Optional
 - b. Documentation Requirement: Provide exterior lighting design plan and narrative demonstrating compliance with this requirement.
 3. If permissible by City Code, freestanding light fixtures shall not exceed 30 feet measured from the ground / pavement to the bottom base of the fixture.
 - a. Optional
 - b. Documentation Requirement: Provide narrative including measurements.

- 4. Fixture wattage shall not exceed 350 lamp watts and shall contain the lowest available mercury content at the time of purchase, consistent with fulfilling performance requirements.**

 - a. Optional**
 - b. Documentation Requirement: Provide specifications regarding fixtures.**
- 5. Fixtures shall be limited to two per pole, and shall have no uplight or lamps / light refracting lenses extending below the plane of the lowest point of the fixture housing. Fixtures will provide a cutoff not to exceed 90 degrees from nadir so that light is not emitted above the horizontal plane.**

 - a. Optional**
 - b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures and describing light emissions.**
- 6. Building-mounted wall packs shall not exceed a lamp wattage of 200 watts and shall be mounted no higher than 28 feet from the ground / pavement to the bottom of the fixture. Wall packs shall be configured with a full front metal shield with a sharp cutoff of at least 85 degrees to block the lamp source from line of sight view. Open-faced wall packs of any wattage or size are prohibited.**

 - a. Optional**
 - b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures.**
- 7. All lighting fixtures to illuminate outdoor advertising shall utilize downlighting, backlighting, or internal illumination (using lamps of 100 watts or less).**

 - a. Optional**
 - b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures and a narrative showing that no direct-beam illumination leaves the site.**
- 8. Lamp wattage for outdoor advertising signs constructed of translucent materials and wholly illuminated from within shall not exceed 75 watts.**

 - a. Optional**

- b. Documentation Requirement: Provide specifications regarding fixtures and lamps.**

9. If and to the extent that Owner chooses to pursue an optional standard under these Part C Exterior Light Pollution Reduction provisions, and such an option is in conflict with otherwise applicable provisions of the City of Austin's Code, Owner will need to obtain a waiver of or variance from such conflicting Code provisions, as appropriate.

- a. Mandatory**

- b. Documentation Requirement: Provide such documentation to the City as is necessary under applicable law to obtain the waiver or variance in question. In pursuit of such waiver or variance, Owner may rely on the advice of legal counsel rather than only a licensed engineer, licensed architect or LEED accredited professional as described herein.**

December 21, 2006

Mr. Greg Guernsey, Director
Neighborhood Planning & Zoning Dept.
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Via Hand Delivery

Re: Planned Unit Development Purpose Statement – Wildflower Commons PUD
Approximately 265 Acres Located at the Intersection of State Highway 45 and South
Mopac (“Property”); Proposed Rezoning from GO and SF-2 zoning districts to PUD
zoning district

Dear Mr. Guernsey:

As representatives of the prospective purchaser of the above stated Property and in accordance with Section 25-2-411, we respectfully submit this PUD Purpose Statement in connection with the development assessment application for the Wildflower Commons PUD. The applicant is requesting a rezoning from GO and SF-2 to PUD zoning district. The proposed mixed use project includes land uses permitted in the GR-MU zoning district. The tract is currently vacant. A traffic impact analysis, engineer’s summary letter and environmental reports are submitted with this application for your review.

The following chart summarizes the details of the tracts:

Tract Number	Acreage	Existing Zoning	Proposed Land Uses
1a	36.36	GO	GR-MU
1b	177.88	SF-2	GR-MU
2a	49.32	GO	Open Space
2b	2.13	SF-2	Open Space

The tracts were originally one tract. The tracts were divided by the extension of State Highway 45 right-of-way. The applicant is requesting a zoning change to a PUD zoning district to address permitted land uses, site development regulations and impervious cover allocations.

Proposed Code Modifications and Variances

A) In accordance with section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

- (1) Variance to Section 25-8-262 (B)(3)(b) of the Land Development Code which requires a minimum of 2,000 feet between a collector street and an arterial or another collector street crossing the same minor waterway critical water quality zone in the Barton Springs Zone.

B) A waterway crossing into Tract 1, shown on the PUD Land Use Map, is necessary to provide access to property that cannot otherwise be safely accessed.

C) The cut and fill for the roadway connection on the PUD Land Use Map will exceed four (4) feet of depth pursuant to Sections 25-8-341 (A)(2) and 25-8-342 (A)(2) of the Land Development Code, but shall not exceed ten (10) feet.

D) In accordance with Section 25-8-42 (B)(5) of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

- (1) Variances to Sections 25-8-341 (Cut Requirements) and 25-8-342 (Fill Requirements) of the Land Development Code which limit cuts and fill to no more than four (4) feet of depth are granted for water quality control or detention facilities to a maximum of ten (10) feet. These variances will result in water quality that is at least equal to the water quality achievable without the variances.

E) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

- (1) Variance to Section 25-8-483 (A)(1) (Water Quality Transition Zone) of the Land Development Code that prohibits development in a water quality transition zone that lies over the Edwards Aquifer recharge zone. The construction of a driveway or roadway is permitted as shown on the PUD Land Use Plan.

F) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

- (2) Variance to Section 25-8-482 (Critical Water Quality Zone) of the Land Development Code that prohibits development in a critical water quality zone. The construction of a driveway or roadway is permitted as shown on the PUD Land Use Plan.

G) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

- (1) Variance to Section 25-1-21 (Definitions) of the Land Development Code which defines a Site as a contiguous area intended for development, or the area on which a building have been proposed to be built or has been built and does not permit a Site to cross a public street or right-of-way. For purposes of the calculation of impervious cover, the definition of Site includes Tracts 1 and 2.

H) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

- (1) Variance to Section 25-4-157(B) (Definitions) of the Land Development Code which new subdivisions to have two access streets that connect to different external streets, single median divided access drive 25 foot minimum pavement width each way will be allowed to connect to a single external street.

Proposed Uses and Development Criteria

Permitted Uses:

The applicant proposes GR-MU land uses and site development regulations. The permitted uses for the PUD are set forth on the PUD Land Use Plan. As required by Section 25-2-411 of the Land Development Code, the site development regulations are set forth in the proposed PUD Land Use Plan. The PUD will comply with all Compatibility Standards established by the LDC.

Additional Development Regulations:

Section 25-2-411 of the LDC provides for certain additional site development requirements in PUD zoning districts. The proposed Wildflower PUD addresses each of these requirements.

Water Quality Regulations:

The project will comply with the SOS water quality regulations. Please reference the engineer's summary letter for detailed information.

III. The Wildflower PUD Conforms to the Purpose Set Forth in Section 25-2-411

The Wildflower PUD, as described above, will result in superior development than could be achieved via conventional Zoning, Subdivision and Water Quality standards, and will enhance the natural environment, encourage quality development and design as well as ensure adequate public facilities and service for development within the PUD therefore meets the purposes established in Section 25-2-411 of the LDC. Please refer to Attachment 1 for a summary of the proposed superior items.

A. The PUD results in development superior to that which would occur using conventional zoning and subdivision regulations.

The PUD proposal includes mixed use development. The proposed retail development will serve the existing neighborhoods in the area.

The PUD proposal includes no development on tracts 2a and 2b. These tracts are to be dedicated as open space. The dedication of these tracts as open space connects the City of Austin preserves land as one contiguous parcel.

The open space tracts are closest to the existing neighborhoods in the area. The dedication of this open space provides a large buffer between the neighborhoods and the proposed development. The dedication of these tracts prevents the need for extension of streets and utilities in this area.

The PUD proposal includes compliance with the City of Austin Green Building Program at a two star level.

B. The Wildflower PUD will enhance the preservation of the natural environment

The PUD proposal preserves open space and clusters the development on one tract. Compliance with the Green Builder Program and the SOS water quality standards using retention and reirrigation facilities enhances the preservation of the natural environment.

Please reference engineer's summary letter for an explanation of the stormwater runoff and the benefits of clustering the development on one tract.

Mr. Greg Guernsey
December 21, 2006

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C. The Wildflower PUD encourages high quality development and innovative design.

As discussed above, the PUD proposal allows the creation of a high quality community commercial center concentrated at a site appropriately situated for commercial uses while leaving a portion of the original tract undisturbed. The PUD also provides for inclusion of Green Builder standards and other development features designed to meet the additional development criteria for PUD zoning districts.

D. The Wildflower PUD ensures adequate public facilities and services.

Adequate public facilities are planned and will be available. Please reference the engineer's summary letter for details.

A TIA has been filed to determine off site transportation improvements to ensue an acceptable level of service. The proposed PUD has access to two major roadways. The proposed PUD seeks no deviation to any of the utility or drainage requirements of the LDC, and the provision of adequate public facilities are ensured by such requirements.

If you have any questions about the proposed development or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,



Michele C. Haussmann

cc: Jerry Rusthoven, Neighborhood Planning and Zoning Dept., via hand delivery
Wendy Walsh, Neighborhood Planning and Zoning Dept., via hand delivery
Victoria Hsu, Watershed Protection and Development Review Dept., via hand delivery
Pat Murphy, Watershed Protection and Development Review Dept., via hand delivery
Bill Walters, Wildflower Commons I, LP and Wildflower Commons II, LP, via electronic mail
Keith Young, Pate Engineers, Inc., via electronic mail
Rashed Islam, WHM Transportation Engineering, Inc., via electronic mail
Steve Drenner, Firm

Attachment 1
Reasons PUD is Superior

1) Reducing Impervious Cover

- a. Reducing the allowable impervious cover from 18% to 15%.
- b. Pursuant to the Bradley Settlement Agreement, the site can be developed with 18% impervious cover.
- c. The project proposes 15% impervious cover.

2) Reducing Size of Construction Envelope

- a. Construction envelope is reduced from 266 acres to 103 acres.
- b. Eliminates all impervious cover and related stormwater discharge from the portion of the site from flowing to Bear Creek.
- c. Greatly reduces the site disturbance.
- d. Greatly increases protection of Critical Environmental Features.

3) Dedicating Open Space

- a. Dedicating 156 acres of the site as open space.

4) Use of Innovative Water Quality System

- a. Provides assurances that stormwaters from impervious cover will be captured by the water quality controls and will only runoff from the site in the most extreme volume generating storm events.
- b. Provides significant water conservation.

5) Use of Green Builder Program

- a. Use of green builder principles enhances sustainability of project.

December 21, 2006

Mr. Greg Guernsey, Director
Neighborhood Planning & Zoning Dept.
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Via Hand Delivery

Re: Variance/Waiver Request – Wildflower Commons PUD
Approximately 265 Acres Located at the Intersection of State Highway 45 and South
Mopac (“Property”); Proposed Rezoning from GO and SF-2 zoning districts to PUD
zoning district

Dear Mr. Guernsey:

As representatives of the prospective purchaser of the above stated Property, we respectfully request a variance/waiver to Section 25-2-243 to address comment number ZN 10 made by Wendy Walsh in the Development Assessment report dated July 26, 2006. This section requires the boundaries of the district proposed in a zoning or rezoning application be contiguous. The subject zoning application includes tracts of land that were previously one tract prior to the condemnation of right-of-way for State Highway 45. Furthermore, the rezoning proposal includes the dedication of the tract of land on the east side of State Highway as open space and the west side of State Highway 45 as the development tract.

Please let me know if you have any questions. Thank you for your time and attention to this project.

Very truly yours,



Michele C. Haussmann

cc: Jerry Rusthoven, Neighborhood Planning and Zoning Dept., via hand delivery
Wendy Walsh, Neighborhood Planning and Zoning Dept., via hand delivery
Bill Walters, Wildflower Commons I, LP and Wildflower Commons II, LP, via electronic mail
Keith Young, Pate Engineers, Inc., via electronic mail
Steve Drenner, Firm



June 16, 2008

Austin Energy Green Building
Attn: Sarah Talkington
721 Barton Springs Rd.
Austin, TX 78741
Fax: (512) 482-5441

To Whom It May Concern:

On behalf of Wildflower Commons I, LP and Wildflower Commons II, LP, this letter shall serve to inform the City of Austin Green Building of our commitment to comply with Austin Energy Green Building 2-Star rating on the Wildflower Commons PUD.

Sincerely,

A handwritten signature in black ink, appearing to read 'William S. Walters, III', written over the printed name.

William S. Walters, III

Resolution in support of Wildflower Commons, 2007

WHEREAS, the proposed development known as the "Wildflower Commons," located on MOPAC at SH-45 was presented to the February 2007 OHAN meeting for review and comment;

WHEREAS, the Wildflower Commons will consist of a "mixed use" development bringing much needed retail, residential and office space to the Oak Hill region;


WHEREAS, the project has been designed so that it is SOS-compliant with respect to impervious cover and water quality controls, despite the fact that the developer's current entitlements would allow for more impervious cover;

WHEREAS, the Wildflower Commons would be constructed wholly within the Slaughter Creek watershed and would avoid the more environmentally sensitive Bear Creek watershed, despite the fact that the developer's existing entitlements would allow development within Bear Creek's watershed;

WHEREAS, available traffic models indicate that the proposed development of Wildflower Commons will have less impact on traffic along MOPAC and other nearby roadways than the development that could be built with existing entitlements;

NOW, THEREFORE, BE IT RESOLVED, that the Oak Hill Association of Neighborhoods supports the Wildflower Commons project and urges its approval by the Austin Zoning and Platting Commission and the Austin City Council.

Approved by unanimous vote April 11, 2007



Dwain Rogers
President

Diane B. Senterfitt
Geoffrey D. Weisbart
4502 Bliss Spillar Road
Manchaca, Texas 78652
(512) 280-6366

August 13, 2008

VIA FACSIMILE 481-0444
AND HAND DELIVERY

Mr. William Walters III
Walters Southwest
1100 Nueces
Austin, Texas 78701

Re: Wildflower Commons

Dear Mr. Walters:

We would like to take this opportunity to formally show our support for your Wildflower Commons development at the corner of MoPac and Highway 45. As you know, we own the property adjacent to the development tract on the West and South borders. We have long been committed to preservation of Bear Creek and its drainage basin. In fact, we have, through donations, endowed our property with a conservation easement that will keep this basin virtually free from future development. We are also proud of the fact that our property, in conjunction with our neighbors to the West and the City property to the East, will help insure that this precious creek basin will remain in its natural state for generations to come.

While we have always hoped for all of the basin to be development free, we are certainly realistic to the community needs for mixed use including retail development, particularly at the corner of MoPac and Highway 45. Having compared your plans with the original Bradley agreement parameters, we are very supportive of your project. Under the Bradley agreement, a significant portion (over 75 acres) of the property that drains into the Bear Creek basin was fair game for office and housing development. With your plan to exclude all development from the Bear Creek basin, we believe Bear Creek, and ultimately, Barton Creek will benefit. Your decision to not develop within such a large envelope of the Bear Creek drainage basin is a perfect example of how conservation and development can co-exist, and is consistent with our conservation plans to our property.

Of course, you should know that your integrity and word have played a part in our formal support of the Wildflower Commons project. Based on our review of your previous Austin projects, your word has proven to be true, and your concerns for your neighbors and the neighborhood impact has proven to be genuine. We have been extremely impressed by your efforts to consider our concerns over drainage into Bear Creek and your efforts to find a solution,

Mr. William Walters III

August 13, 2008

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even if other alternatives were easier and more profitable. Integrity and trust mean a tremendous amount to us, and we are grateful that you have recognized our commitment to conserving Bear Creek and agreed to become a serious steward in this important conservation effort.

If you should need our further support in the future, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey D. Weisbart".

Geoffrey D. Weisbart

A handwritten signature in black ink, appearing to read "Diane B. Senterfitt".

Diane B. Senterfitt

Hand out from the EB 10/15/08

File copy

Proposed "Wildflower Commons" PUD and Similar Developments

	Wildflower Commons*	Hill Country Galleria**	Domain Phase I***
Retail and Restaurant	490,000 sq. ft.	650,000 sq. ft.	606,896 sq. ft.
Office	124,000 sq. ft.	145,000 sq. ft.	90,000 sq. ft.
Residential	550 units (condos and townhomes)	350 units (apartments and townhomes)	390 units (apartments)
Hotel	200 rooms	No hotel	No hotel

*Information from COA PUD Zoning File

**Information from HillCountryGalleria.com

***Information from Austin Business Journal, April 11, 2008

5TH Floor

cc: Pat M.
Ingrid M.
Tom. Nuckols

cc: Wendy Rhoades
Pamela Foran
Steve Drenner's Office

Wildflower Commons PUD, As Proposed Violates the Bradley Agreement

The Bradley Agreement contains several Restrictive Covenants held by the City of Austin that prohibit certain land uses. The PUD proposes to use many of these prohibited uses:

Proposed Land Use	Size	Bradley Agreement Restrictive Covenants
Condo/Townhomes	550 dwelling units	Multi-family and townhome residential prohibited under Bradley Agreement. Section 7.A.1.a.
General Office	124,000 square feet	Allowed
Supermarket	100,000 square feet	Not listed as "local needs commercial use" under Bradley deal= prohibited . Section 7.A.1.c.
Shopping Center	360,000 square feet	Only local needs commercial uses allowed. Section 7.A.1.c. No retail over 150,000 square feet.
High Turnover Restaurant	30,000 square feet	Drive in, fast food and restaurant (limited) allowed. Section 7.A.1.c.(exhibit K).
Hotel	200 rooms	Prohibited . Section 7.A.2.

Access to the PUD

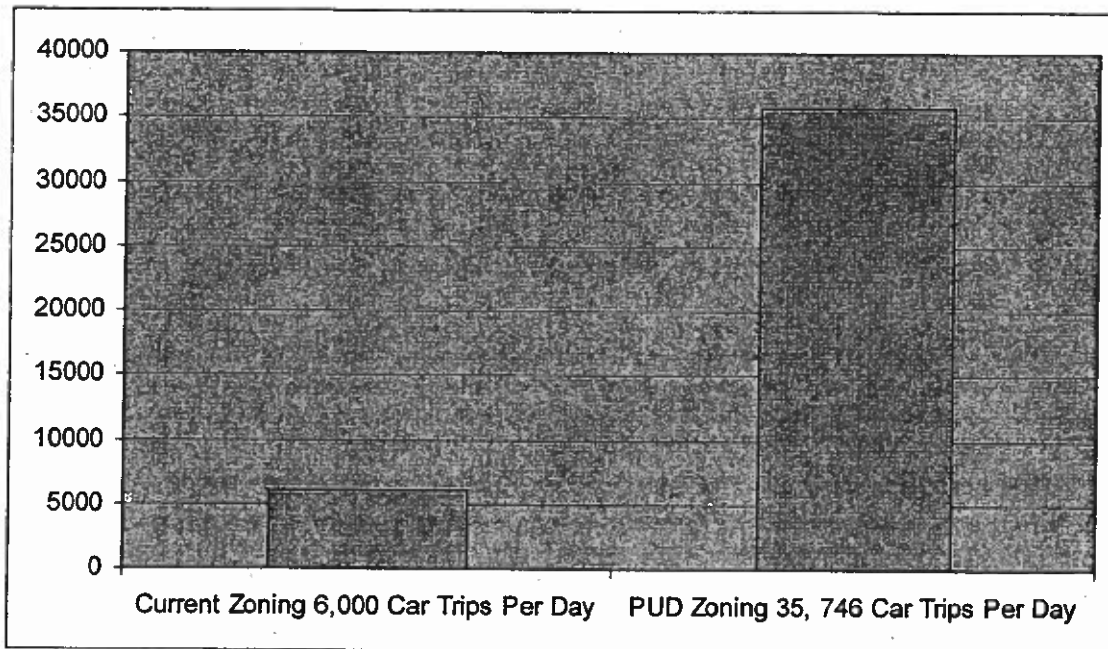
- The Bradley Agreement specifically limits access to the tracts to a single access "off of State Highway 45 from its intersection with Loop 1." Section 4.
- This is a Restrictive Covenant held by the City, intended to limit access to SH 45.
- SH 45 access is limited so that it is built only as a restricted access parkway to prevent development in the recharge zone when SH 45 is built. Travis County and the Barton Springs/Edwards Aquifer District have spent great time and expense to ensure access to SH 45 in this area is limited to the same single access approved in the Bradley agreement.
- Walters Southwest/Wildflower Commons PUD now propose to move this access and/or add an additional access. The proposed land use plan states "SECONDARY ACCESS TO SH45, WHILE NOT SHOWN, MAY BE ALLOWED TO TRACT 5 IF APPROVED BY TXDOT AS LONG AS THERE IS NO INCREASE IN IMPERVIOUS COVER"

Does Walters Southwest Plan to Get Out of the Bradley Deal?

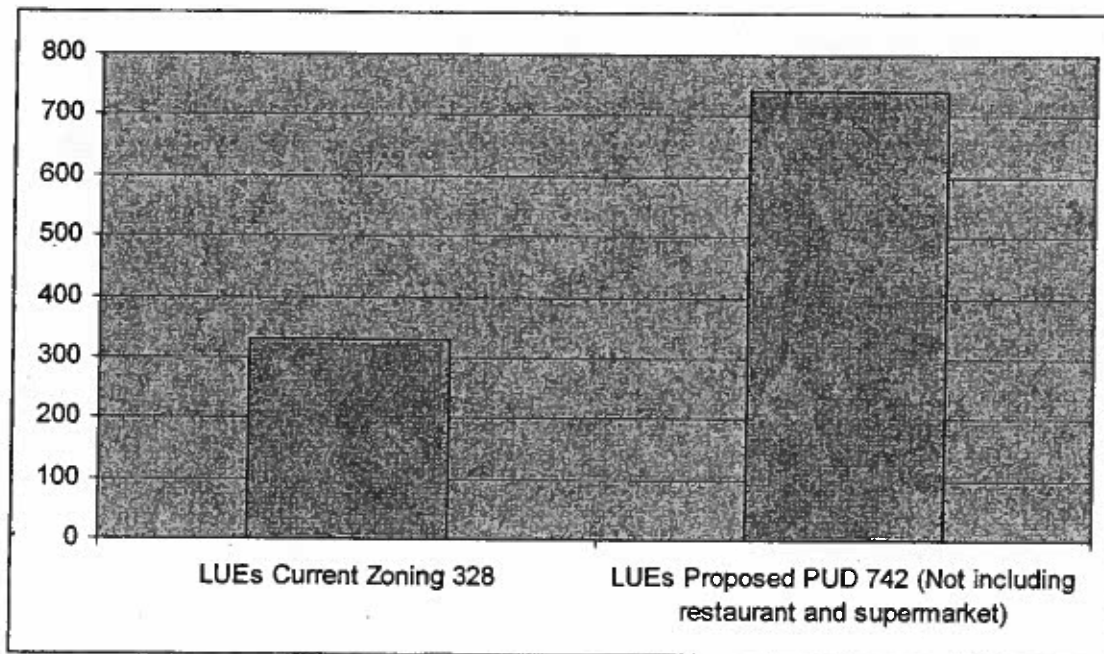
The PUD Land Use Plan States

"NOTE: AS LONG AS TRACTS 1-5 ARE SUBJECT TO THE BRADLEY AGREEMENT, LAND USES SHALL COMPLY WITH THE TERMS OF THE BRADLEY SETTLEMENT AGREEMENT. ADDITIONALLY, IF TRACTS 1, 3, AND 5 [the developable tracts] ARE NO LONGER SUBJECT TO THE BRADLEY SETTLEMENT AGREEMENT, THE FOLLOWING USES SHALL BE CONSIDERED "ADDITIONAL PERMITTED USES" ON THESE TRACTS: COCKTAIL LOUNGE, LIQUOR SERVICES, CONVALESCENT SERVICES."

TRAFFIC ESTIMATES FOR PROPOSED PUD



WATER AND WASTEWATER NEEDS FOR PROPOSED PUD



§ 25-2-144 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT DESIGNATION.
(C) Development under the site development regulations applicable to a PUD must be **superior** to the development that would occur under conventional zoning and subdivision regulations.

- Impervious Cover Assignment---As of 10/9, no documentation as to how impervious cover would be used was available from City of Austin or Hill Country Conservancy.
- Dedication of Open Space—As of 10/9, no documentation as to whether and how much property would be dedicated to City of Austin or Hill Country Conservancy in fee simple or conservation easement.
- Impervious Cover Allocation Does Not Include Road Easement Held by Adjacent Landowner
- Requests Variance to Not Calculate Impervious Cover from Adjacent Roadways--
 - What findings have been made showing the need for this variance? –Why give a variance from something not required by Code or the Bradley Agreement?
 - What perimeter or adjacent roads are planned in the future?
- Requests Six Environmental Variances, including street crossings in Critical Water Quality Zone, prohibition of development in Water Quality Transition Zone, Cut and Fill Requirements, and Impervious Cover calculations.
- Current zoning is SF-2 and GO. The GO zoning was specifically limited to local needs offices and retail that would only serve local neighborhoods, rather than creating shopping destinations and restaurants that would draw traffic from outlying areas. The SF-2 zoning fits the character of surrounding areas.
- The base zoning district proposed is GR-MU (Community Commercial Mixed Use). Section 25-2, MIXED USE. § 4.1. INTENT. “[Mixed Use] promotes an efficient pedestrian-access network that connects the nonresidential and residential uses and transit facilities. Redevelopment of underutilized parcels and infill development of vacant parcels should foster pedestrian-oriented residential and mixed use development.”

The current proposal does not include public transit facilities, and doesn’t fit the described intent of mixed use zoning.
- The Residential Development in the proposed mixed use will follow MF-6 zoning site development standards. § 25-2-67 Multifamily residence highest density (MF-6) district. **May be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.**

From: Bill Walters [mailto: [REDACTED]]
Sent: Wednesday, November 07, 2007 9:49 AM
To: Huffman, Laura
Subject: Travis Country/Bethany Church/Wildflower Commons

Laura,

I want to thank you again for your help, along with Tammy Williamson, with the situation out at the Travis Country HOA regarding the old closed and abandoned ROW entrance to the original Travis Country. It was determined that Travis County currently owns the abandoned ROW as it was never vacated following annexation by the City of Austin. I have met with Travis County officials and everyone agrees that it is an esthetic blight along SW Parkway. They are going to work with me to draft an agreement to submit to the City of Austin allowing for the demolition of the old pavement to take place. Gerald Daugherty and I are planning to speak to the neighborhood association board November 15th in order to lay out our plan and have them participate in the agreement that we will be submitting to the City. I will keep you posted on that one if there are any further snags.

On another note, I met with Tim Taylor, Pat Murphy, and Tom Nuckols last week to discuss the settlement agreement solution on the problems with Bethany Church on Slaughter Lane. We will all be working together to devise a water quality plan and corresponding revised conceptual plan for the build out of the existing church inventory. We will be coming to see you; I am sure, prior to scheduling action in executive session.

Finally, at the meeting last week Tom Nuckols and I spoke privately in the hall and he informed me that you authorized the legal department to file an amendment to the conservation easement as well as an amendment to the Bradley Settlement agreement dating back to 2001 and 2002. This has now clouded title to my Wildflower Commons property at the intersection of 45 SW and S. Mopac. While I certainly don't want to make legal arguments and be threatening in an email, I firmly believe that it would be in our collective best interests to have a face to face meeting as soon as possible to discuss why you authorized this, and what the ramifications are to the pending zoning case on this property and the development plans going forward. I believe this meeting should include Tom, Steve Drenner, and the two of us to begin with. If further meetings are necessary, then Mike McKetta at Graves Dougherty will be representing me if we must go to the next step. I informed Tom Nuckols of this face to face last week and also let him know that Casey Dobson currently represents me on another matter, and that he would be conflicted out in representing the City should we both utilize the services of litigators. I certainly hope that we don't go to that extreme, but I wanted to give you a heads up on the lawyers before we have our meeting with Tom and Steve. I will be traveling Thanksgiving week and would like to get together with you and Tom at your earliest convenience. Please provide me a time certain and preferred place to meet that works for everybody.

Sincerely,
Scooter

William S. Walters, III
Walters Southwest
1100 Nueces
Austin, TX 78701
Ph. 512.481.0404
Fx. 512.481.0444
[REDACTED]

12/6/2007



November 3, 2008

Zoning and Platting Commission
City of Austin

RE: Wildflower Commons PUD, agenda item 2, 11/4/08 agenda

Dear Chairwoman Baker and Commissioners:

Save Our Springs Alliance respectfully oppose the Wildflower Commons PUD zoning proposal and urges you to recommend denial. The proposed Wildflower Commons development consists of 265 acres of land located in the environmentally sensitive Barton Springs/Edwards Aquifer Recharge Zone. Rainfall in this area enters the ground through recharge features providing direct flow to the Barton Springs/Edwards Aquifer. City policy has long been to limit pollution causing development in this area.

The Wildflower Commons PUD proposes a high density development that will draw traffic and more development to the area and uses base zoning districts that are appropriate only for areas designated for high density, urban, public transit oriented development. Specifically, the PUD would convert roughly 100 acres of GO and 165 acres of SF-2 zoning (all of it tightly deed restricted to serve local needs) to PUD zoning providing the highest MF-6 multi-family density plus office, retail and restaurant. The history and extreme sensitivity of the land support denying both the requested zoning change and the wholesale exemptions from water quality protection measures incorporated into the proposed PUD ordinance.

1. Location. The parcels that compose the PUD are surrounded entirely by property that has either been purchased fee simple as Water Quality Protection Lands or is held by private parties but protected by City-owned water quality conservation easements. These proposed PUD parcels are essentially in-holdings, or a donut hole surrounded by lands deemed so environmentally valuable that they were purchased with City bond funds for Water Quality Protection. The raw and rural surroundings of the PUD parcels makes it inappropriate for the high density urban-style development district that is proposed.
2. The Bradley Agreement. In 2000 a long and contentious negotiation between the City of Austin, Gary Bradley's development interests, and the environmental community created a contract known as the Bradley agreement. The Agreement provides zoning categories and land use restrictive covenants for several tracts of land in the Barton

Springs Recharge Zone. The properties within the proposed PUD were specifically designated in the Agreement as GO (Tracts 1 and 2) and SF-2 (Tracts 3, 4, and 5). These zoning designations were a part of the larger negotiated Agreement and should be considered only in the larger context of the Agreement.

- The GO zoning for tracts 1 & 2 (known as 14A and 14B in the Agreement) is accompanied by a restrictive covenant limiting possible commercial uses to a very precise list of allowed "local needs commercial uses." (Exhibit K to the Agreement—list of 40 specific allowed uses) These restrictions were intended to provide for commercial uses that keep with the nearby residential pattern and not increase traffic to the area and serve only the local residential area without creating regional shopping and commercial draws.
- Retail commercial projects with structures with over 150,000 square feet of gross floor area, or retail occupants of more than 100,000 square feet gross floor area are prohibited. The PUD proposal includes 360,000 square feet of "shopping" and a 100,000 square foot "supermarket."
- "No Major Employer" may ever lease or occupy all or any portion of any office building located on [Tracts 1 and 2]. Major Employer is defined as an entity that employs more than 300 persons worldwide.
- No retail uses shall be developed or operated on [Tracts 1 and 2] except on the ground floor of any offices.
- Multifamily residential and townhouse residential uses (as defined in § 25-2-3 of the Austin City Code) other than townhomes or detached condominium regimes created pursuant to the Texas Uniform Condominium Act are prohibited.

The PUD proposal honors neither the spirit nor the letter of the Bradley Agreement by creating a high density urban type condo/retail/office mixed use shopping center where low density residential, limited office was intended. Taking the SF-2 and GO zoning specifically designated for these properties to a GR-MU, MF-6 based PUD is completely opposite of the intentions of the Agreement and the surrounding land uses. GR-MU zoning "promotes an efficient pedestrian-access network that connects the nonresidential and residential uses and transit facilities." 25-2 § 4.1. This property has no bus service or transit facilities associated anywhere in the nearby area. Nor is any planned or likely to ever be provided given the tract's isolation. MF-6 zoning is the highest density residential zoning available and is to be used "in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or major institutional or employment center, or an area for which high density multifamily use is desired." 25-2-67. The proposed PUD has none of these characteristics, as it is located in an outlying area with no supporting transportation facilities and is not adjacent to the CBD or any major employers.

This zoning request should be denied because it is not compatible with the surrounding permanently protected water quality protection lands, the nearby land

uses, nor our city policies to direct high density development downstream of the Barton Springs recharge zone.

3. **The Requested Environmental Exemptions.** The PUD proposal requests blanket exceptions for significant environmental protections within the Land Development Code. Because there are so many of these requested, some of the most damaging requests received no attention at all from the Environmental Board, and thus deserve higher scrutiny from the Commission.

Cut and Fill. The requested exception would grant an across the board exception to our cut-and-fill ordinance without any showing of hardship, minimum departure or compliance with normal standards for securing a cut-and-fill variance. As written, cut-and-fill would be allowed to go from the ordinance maximum of 4 feet to 10 feet for water quality facilities and 15 feet for roadways, parking, and site development. This exemption would allow cut and fill of more than three times what is allowed by Code and without any restrictions to minimize the area granted the exemption.

These exemptions are particularly egregious in light of the fact that the tract consists entirely of cave-forming Edwards limestone at the surface. Caves on and nearby the tract are known and are very likely to harbor rare and endangered cave invertebrates. Allowing many acres of cutting and blasting 15 feet into the Edwards limestone will no doubt encounter and destroy caves, karst features, and karst habitat not visible at the surface. This kind of dramatic exception to our legislatively adopted protections should come only with a specific showing of need and only used in the most limited possible circumstances. The variance as currently stated allows for blanket cut and fill up to 15 feet to be used anywhere desirable for "site development."

Roadway and Development in Critical Water Quality Zone and Water Quality Transition Zone. These restrictions of the Code are obviously to limit development in sensitive waterways. Rather than allowing variances to our environmental standards for development, only development that meets our environmental standards should be allowed. The Critical Water Quality and Water Quality transition zones were adopted and access issues for this tract were well known by the Applicant when the property was purchased. The Bradley Agreement specifically limits access to this property to this specific access point.

4. **Adjacent Roadway Impervious Cover.** The PUD Land Use Plan (Exhibit B) contains a note: "NOTE: PURSUANT TO THE TERMS OF THE LAND DEVELOPMENT CODE, THE IMPERVIOUS COVER PROPOSED (37.988 ACRES) FOR TRACTS 1-5 SHALL NOT BE SUBJECT TO ANY ALLOCATION OF IMPERVIOUS COVER FROM ANY ADJACENT ROADWAY."

This note should be removed from the land use plan. Applicant is required to follow the Bradley Agreement and the Land Development Code. Impervious cover must be calculated in accordance with those standards and this note prevents any perimeter or

adjacent roads in the future when site plans are filed for these tracts from being calculated as they should be under law.

This note also creates a particularly dangerous precedent for calculating impervious cover on other Bradley Agreement tracts. As written, it purports to interpret the land development code without amending the code. If the land development code actually says what the note claims, then there is no need for the note. If it does not say this, then the note is an illegal, backdoor amendment to the land development code.

5. Traffic. We are trying to determine the change in expected trips per day from the current zonings to the requested zoning. City staff has not yet presented this information, but it needs to be made available for an accurate assessment of this zoning change request. Hopefully this will be available by Tuesday night's meeting. Given the requested change in land use from local needs office and single family to retail, supermarket and restaurant the trips per day are likely much higher for the new uses, creating more traffic and pollution in this sensitive area surrounded by preserve lands.

Thank you for your consideration of these points. If you have any questions please do not hesitate to contact Sarah Baker (415-7781, smbaker222@hotmail.com) or Bill Bunch (784-3749, bill@sosalliance.org). We urge you to deny this zoning request.

Sincerely,

Bill Bunch
Sarah Baker

Rhoades, Wendy

From: Yatespct3@aol.com
Sent: Monday, November 03, 2008 3:59 PM
To: Rhoades, Wendy
Cc: tirion@isblaw.com; marygaymaxwell@sbcglobal.net
Subject: Wildflower Commons

Ira Jon Yates
Yates Cattle & Conservation
5711 St. Hwy 45
Austin, Texas 78739
512-970-2589 cellular
512-282-1370 ranch phone
Yatespct3@aol.com

Wendy Rhoades
Principal Planner
505 Barton Springs Road
Austin, Texas 78704

November 3, 2008

Dear Wendy Rhoades,

I am requesting a postponement of C841-06-0233 from November 4, 2008 until November 18, 2008. As an adjacent landowner and owner of an access easement across the property being zoned with impervious cover allocation being made, I feel it is important for the City Commission to be properly informed as it makes it's decision. I was unaware until today that this impervious cover issue was not made part of the record at the environmental review or currently part of your file on this project. I hope to make this clarification during the postponement.

Sincerely,

Ira Yates

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11/3/2008

Rhoades, Wendy

From: Michele Haussmann [mailto:mhaussmann@ci.austin.tx.us]
Sent: Tuesday, November 04, 2008 5:21 PM
To: Rhoades, Wendy; Amanda R. Wheatley
Cc: Steve Drenner
Subject: RE: Wildflower Commons PUD

We agree with one postponement to 11-18, not multiple postponements from multiple groups. We oppose a postponement to 12-2. Thanks.

From: Rhoades, Wendy [mailto:Wendy.Rhoades@ci.austin.tx.us]
Sent: Tuesday, November 04, 2008 12:45 PM
To: Michele Haussmann; Amanda R. Wheatley
Subject: FW: Wildflower Commons PUD

Hi Michele,
Please let me know if your group is in agreement with a postponement until December 2nd as requested by Beki Halpin.

Thank you,
Wendy

From: texagie@ci.austin.tx.us [mailto:texagie@ci.austin.tx.us]
Sent: Tuesday, November 04, 2008 12:43 PM
To: Rhoades, Wendy
Subject: Re: Wildflower Commons PUD

We would like a postponement to December 2nd. This will give us time to look at the issue more clearly in light of all the information that has become available.
Thank you for your consideration of this.
Beki Halpin.

-----Original Message-----

From: Rhoades, Wendy <Wendy.Rhoades@ci.austin.tx.us>
To: texagie@ci.austin.tx.us
Sent: Tue, 4 Nov 2008 10:00 am
Subject: RE: Wildflower Commons PUD

Beki,
An adjacent property owner has requested a postponement until November 18th. Does that work for your group or would you like to request additional postponement time? Please let me know as soon as possible.

Thank you,
Wendy

From: texagie@ci.austin.tx.us [mailto:texagie@ci.austin.tx.us]
Sent: Tuesday, November 04, 2008 8:56 AM

11/4/2008

To: Rhoades, Wendy
Subject: Re: Wildflower Commons PUD

Wendy-

Thank you for sending the TIA memo and the rest of the information the staff prepared. There is quite a bit of information to digest and we would appreciate it if you would postpone the Wildflower Commons hearing at ZAP to Dec. 2nd.

Thank you for your consideration of this.
Beki Halpin

-----Original Message-----

From: Rhoades, Wendy <Wendy.Rhoades@ci.austin.tx.us>

To: ~~xxxxxx@ci.austin.tx.us~~

Sent: Mon, 3 Nov 2008 2:07 pm

Subject: FW: Wildflower Commons PUD

Beki,

I apologize as the last Staff report sent seemed to have some replication of information. Here is the complete Staff report with the TIA memo prepared by Staff, provided as Attachment B, beginning on Page 38 (out of 66).

Wendy

-----Original Message-----

From: mfp@ci.austin.tx.us [<mailto:mfp@ci.austin.tx.us>]

Sent: Monday, November 03, 2008 9:11 AM

To: Rhoades, Wendy

Subject: Scan from a Xerox WorkCentre

11/4/2008

Please open the attached document. It was scanned and sent to you using
a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: NPZD - OTC 5th flr

Device Name: OTC05NEWCANEY

For more information on Xerox products and solutions, please visit

<http://www.xerox.com>

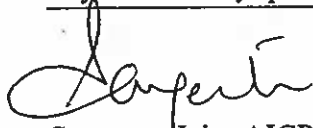
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McCain or Obama? Stay up to date on the latest from the campaign trail with [AOL News](#).

FM 1826 and SH 45				
	a. Installation of a Traffic Signal ²	\$112,500	25.7%	\$28,913
Escarpment Boulevard and SH 45				
	a. Installation of a Traffic Signal	\$245,000	30.3%	\$74,235
	Total Cost	\$901,936		\$400,491
1. This improvement will be constructed as part of the first Wildflower Commons site plan.				
2. This improvement was recommended in the Bear Lake PUD TIA.				

- 2) Driveway alignments and minimum widths will be reviewed with the site plan per TCM standards.
- 3) Improvements at Driveway A and SH 45 SFR and Loop 1 FR shall be constructed and funded 100% by the developer with the first site plan or subdivision construction plan for Wild Flower Commons development. Fiscal surety for these improvements will be posted by the developer with the site plan or submission construction plan.
- 4) TxDOT has approved this TIA with the condition that the developer will continue to coordinate with TxDOT regarding improvements at Driveway A and SH 45 SFR and Loop 1 FR.
- 5) Department of Public Works has approved this TIA with the condition that the proposed signal improvements at Driveway A and SH 45 SFR / Loop 1 FR are shown on the construction plans and reviewed by traffic signals.
- 6) Development of this property should be limited to the uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including 24-hour volume, peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2219.



Sangeeta Jain, AICP
Senior Planner

Watershed Protection and Development Review Department